



PATENT
Customer No. 22,852
Attorney Docket No. 1975.0035-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PCT Application No. PCT/EP00/08190 of:)
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Roelof VAN HES et al.) Group Art Unit: 1624
)
U.S. Appl'n. No.: 10/069,256) Examiner: E. Bernhardt
)
Nat'l Stage Entered: February 22, 2002)
)
For: NEW PHENYLPIPERAZINES)
)
) Confirmation No. 7664
)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Solvay Pharmaceuticals B.V., duly organized under the laws of The Kingdom of the Netherlands and having its principal place of business at C.J. van Houtenlaan 36, 1381 CP Weesp, the Netherlands, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/069,256, filed internationally on August 22, 2000, for NEW PHENYLPIPERAZINES, in the names of Roelof VAN HES, Johannes A.M. VAN DER HEIJDEN, Cornelis G. KRUSE, Jacobus TIPKER, Martinus T.M. TULP, Gerben M. VISSER, and Bernard J. VAN VLIET, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 016520, Frame 0678 on

September 12, 2005. Assignee, Solvay Pharmaceuticals B.V., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Application No. 10/432,225, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 014477, Frame 0094 on May 22, 2003.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, Application No. 10/069,256, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granting from patent application No. 10/432,225. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granting from patent application No. 10/432,225 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granting from patent application No. 10/432,225, as presently shortened by any terminal disclaimer, in the event that the patent granting from patent application No. 10/432,225 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a

reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record and authorized to act on behalf of Assignee.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2005

By: Michele C. Bosch
Michele C. Bosch
Reg. No. 40,524